

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

\*\*\*\*\*

THE CITY OF HUNTINGTON,

Plaintiff,

v. CIVIL ACTION NO 3:17-01362

AMERISOURCEBERGEN DRUG  
CORPORATION, et al,  
Defendants.

CABELL COUNTY COMMISSION,  
Plaintiff,

vs.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al,  
Defendants.

\*\*\*\*\*

Videotaped and videoconference deposition of BETH THOMPSON, taken by the Defendants pursuant to the West Virginia Federal Rules of Civil Procedure, in the above-entitled action, pursuant to notice, before Twyla Donathan, Registered Professional Reporter and Notary Public, at the Mountain Health Arena, One Civic Center Plaza, Huntington, West Virginia, on the 23rd day of July, 2020.

A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

PAUL T. FARRELL, ESQUIRE  
FARRELL LAW  
422 Ninth Street, 3rd Floor  
Huntington, West Virginia 25701  
(304)523-7285  
paul@farrell.law

APPEARING FOR DEFENDANT AMERISOURCEBERGEN:

ROBBY J. ALIFF, ESQUIRE  
JACKSON KELLY, PLLC  
500 Lee Street East, Suite 1600  
Charleston, West Virginia 25301  
(304)340-1000  
raliff@jacksonkelly.com

APPEARING FOR DEFENDANT CARDINAL HEALTH:  
STEVEN R. RUBY, ESQUIRE  
CAREY SCOTT DOUGLAS & KESSLER, PLLC  
901 Chase Tower  
707 Virginia Street, East  
Charleston, West Virginia 25301  
(304) 345-1234

ALSO PRESENT:

Chris Leigh, Videographer  
Michael J. Fuller, Plaintiff (by Zoom)  
Al Sebok, AmerisourceBergen (by Zoom)  
Suzanne salgado, Cardinal Health (by Zoom)

C O N T E N T S

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By Mr. Ruby 5

E X H I B I T S

(Attached to the transcript)

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30(b)(6) Deposition of Cabell  
County Commission  
Exhibit No. 17 Website page: County Ordinances 43

P R O C E E D I N G S

1  
2 VIDEOGRAPHER: Good afternoon. We are  
3 going on the record at 1:16 p.m. on July 23rd, 2020.  
4 This is Media Unit 1 of the video recorded deposition  
5 of Beth Thompson, as a 30(b)(6) of the Cabell County  
6 Commission, taken by counsel for Defendant in the  
7 matter of the City of Huntington and the Cabell  
8 County Commission vs. AmerisourceBergen Drug  
9 Corporation, et al, filed in the U.S. District Court  
10 for the Southern District of West Virginia, Case Nos.  
11 3:17-01362 and 3:17-0165.

12 This deposition is being held at the  
13 Mountain Health Arena, located in Huntington,  
14 West Virginia. My name is Chris Leigh from the firm  
15 Veritext and I am the videographer. The court  
16 reporter is Twyla Donathan. From the firm Veritext.

17 I am not authorized to administer an  
18 oath, I am not related to any party in this action,  
19 nor am I financially interested in the outcome.

20 Counsel and all present in the room  
21 and everyone attending remotely will now state their  
22 appearance and affiliations for the record. If there  
23 are any objections to proceeding, please state them  
24 at the time of your appearance beginning with the

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1 in the lawsuit.

2 **A** The function of County Commission  
3 government is to be the fiscal agents of the county,  
4 not to be watching how many pills come into our  
5 county. And so, you know, our attorneys have asked  
6 for the information and -- for two years, I think  
7 they said, and we still haven't been given access to  
8 it. So, you know, it's not our function to know  
9 these things.

10 **Q** Setting aside the reason for the county's  
11 knowledge or lack of knowledge, can the county  
12 identify any prescription that has contributed to the  
13 harms it alleges in the Complaint?

14 **A** The county is not supposed to. It's not  
15 our function. No, the county is not supposed to.  
16 It's not our function.

17 **Q** So the answer is "no," because --

18 **A** It's not our function. It's not our role.  
19 That's why we hired the attorneys to file the lawsuit  
20 to fix this horrible problem that you have created  
21 here.

22 **Q** Other than filing this lawsuit and hiring  
23 Mr. Farrell and his colleagues, has the county done  
24 anything else to try to identify prescriptions that

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1 have caused the harm alleged in the Complaint?

2 **A** The county's functions are set out  
3 specifically, and we don't have that function or  
4 role. This was the only thing we could do.

5 MR. FARRELL: So the answer is?

6 THE DEPONENT: No.

7 **Q** Does the sheriff's office investigate drug  
8 cases?

9 **A** Yes.

10 **Q** Has the sheriff's office ever in the course  
11 of investigating a drug case identified a  
12 prescription that contributed to the harms alleged in  
13 the Complaint?

14 **A** You'd need to talk to the sheriff about  
15 anything that they've investigated.

16 **Q** Is that something that the Commission has  
17 ever tried to find out from the sheriff's office?

18 **A** The Commission doesn't function that way.  
19 It's not our role. It hasn't tried to find out. We  
20 have no reason to try to find out. It's not part of  
21 what we do on our day-to-day basis, so no.

22 **Q** You say that the Commission had no reason  
23 to find out. Does the Commission believe that it's  
24 important to do everything possible to abate the

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1 opioid problem in Cabell County?

2 **A** Of course. That's why they filed the  
3 lawsuit.

4 **Q** And since it's important to do everything  
5 possible to abate the opioid problem in Cabell  
6 County, then why hasn't the Commission ever asked the  
7 sheriff's office to identify harmful prescriptions?

8 MR. FARRELL: Objection.  
9 Argumentative.

10 MR. RUBY: You can answer.

11 **A** Because it's not our function. That's  
12 not -- that's not what we do as a county commission.

13 **Q** In the view of the Commission -- and you've  
14 given a good deal of testimony, Ms. Thompson, about  
15 the function of the County Commission. In the view  
16 of the Commission, is there anything that the  
17 Commission could have done to try to abate the opioid  
18 problem in Cabell County besides filing this lawsuit?

19 **A** No.

20 **Q** You testified near the beginning of the  
21 deposition, Ms. Thompson, that the County Commission  
22 can obtain information from the sheriff's office; is  
23 that correct?

24 **A** Yes, it can.

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1 **Q** In preparing to testify about Topic No. 3,  
2 did you ask the sheriff's office if it had ever  
3 identified a prescription that contributed to the  
4 opioid problem here?

5 **A** No, we didn't.

6 **Q** Why not?

7 MR. FARRELL: Objection.  
8 Argumentative.

9 MR. RUBY: It's not argumentative.  
10 It's a fair question.

11 MR. FARRELL: It's a fair question,  
12 but it's an argumentative fair question.

13 MR. RUBY: You can answer.

14 **A** We did not.

15 **Q** But why not? That was the question.

16 **A** Oh, I'm sorry. We did not because we  
17 didn't know to be asking. You all were the ones who  
18 knew how much you were sending into the communities  
19 We didn't know. So we didn't know to be asking these  
20 questions. We just knew there was a problem, and the  
21 only way we could fix it was to file this lawsuit.

22 **Q** My question is a different question, which  
23 is -- which is why you didn't, in preparation for  
24 your deposition, and in particular to testify about

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1 MR. FARRELL: Objection. Leading.  
 2 MR. RUBY: This is cross, Counsel.  
 3 Q Is the Commission aware of whether the Drug  
 4 Enforcement Administration sets quotas for the number  
 5 of doses of prescription opioids that can be  
 6 manufactured every year in the U.S.?  
 7 MR. FARRELL: Are we moving off to a  
 8 different subject matter?  
 9 MR. RUBY: We're still on actors.  
 10 As the witness has testified, there  
 11 are lots of people to blame.  
 12 A Yes. And that's why we've hired attorneys  
 13 and experts to determine all of this for us. The  
 14 only thing that county commission government can do  
 15 is file this lawsuit.  
 16 And you brought up the grants and things  
 17 while ago. To expect the county to apply for grants  
 18 and things that we have to match or spend money -- I  
 19 know my previous deposition, which I know I am not  
 20 here on that, but the attorney had mentioned imposing  
 21 a new tax or levy on our taxpayers. You know, to  
 22 even suggest that we do something in addition to what  
 23 we've already spent out to cost taxpayers more for  
 24 this problem that you all have caused, it's just --

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1 it's horrible.  
 2 It's horrible that you all would expect us  
 3 to do anything else except what we've done. We had  
 4 no other recourse but to file this lawsuit to try to  
 5 fix this problem that you've created. And, yeah,  
 6 there are multiple people to blame, but you all  
 7 should have known and did know the numbers that you  
 8 were dumping into our community, hundreds of  
 9 thousands. And you did nothing to stop it or slow it  
 10 down.  
 11 And the whole time, we're just sitting here  
 12 watching this unfold, and watching the crime  
 13 increase, and watching people die from overdoses, and  
 14 watching babies be born addicted to substances. And,  
 15 you know, and to think that we're supposed to sit  
 16 here and say that we're embarrassed that we didn't do  
 17 more, how did we know? How did we know what all you  
 18 all were doing to us? We didn't know. We were just  
 19 watching it all unfold and not knowing what to do  
 20 about it and how to combat it.  
 21 And now this is the only thing we can do.  
 22 And to suggest that we should do something more, as  
 23 far as grants or -- that wouldn't even scratch the  
 24 surface. It's just -- It really makes me mad. And

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1 it makes the Commission mad too.  
 2 Q Has the City of Huntington obtained grants  
 3 to help abate the opioid problem?  
 4 A The County Commission government is  
 5 completely separate and different from municipal  
 6 governments. And, yes, I believe it has, but I can't  
 7 sit here and say specifically if it has or not.  
 8 Q If the -- You testified that it's horrible  
 9 to expect --  
 10 A Because our functions --  
 11 Q I'm sorry -- I'm sorry, Ms. Thompson.  
 12 Could I finish my question?  
 13 A Yes, I'm sorry.  
 14 MR. FARRELL: She is the County  
 15 Commission by the way.  
 16 Q Is it inappropriate in some way for the  
 17 City of Huntington to have obtained grants to abate  
 18 the opioid problem?  
 19 A Absolutely not. No. I'm glad they had the  
 20 ability to do that. Their rules are much different  
 21 than county commission government. Municipalities  
 22 are different. They're different municipalities.  
 23 They are a municipality. We are a county commission  
 24 government. Different roles, different functions,

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1 different funding. It's all completely different.  
 2 They have home rule. We don't have that.  
 3 You know, it's just -- it's two completely  
 4 different animals you're talking about. And I'm glad  
 5 they have that ability.  
 6 Q Does the county not have the ability? Does  
 7 the County Commission not have the ability to obtain  
 8 grants?  
 9 A It does, but we don't know of any that were  
 10 out there, and we shouldn't be asked to be spending  
 11 more money on grants and matching things that I don't  
 12 even know if they're there, that would even fight to  
 13 scratch the surface of this problem. That's what I'm  
 14 saying, and that's what the County Commission is  
 15 saying.  
 16 Q Has the Commission ever asked any  
 17 representative of the city if the city is aware of  
 18 grants that the county could obtain?  
 19 A Not that I'm aware of.  
 20 Q Let me go back to the DEA question. Is the  
 21 Commission aware of whether the Drug Enforcement  
 22 Administration sets quotas for the amount of opioids  
 23 that can be manufactured in the U.S.?  
 24 A Yes, I believe it does -- or we believe it

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1 does, yes.

2 **Q Is the DEA also then a contributor to the**

3 **harms that the Commission identified in its**

4 **Complaint?**

5 **A If it neglected its responsibilities, yes.**

6 **Q Is the Commission familiar with the Joint**

7 **Commission on Accreditation of Health Care**

8 **Organizations?**

9 **A Yes, somewhat.**

10 **Q What does the Commission know about that**

11 **organization?**

12 **A Honestly, we can't sit here right now and**

13 **say, because I am too tired. So can I take a break**

14 **or ...?**

15 **Q I tell you what. We can -- I'll make you a**

16 **deal. If we can finish this last question that I**

17 **still have on the table, then we'll wrap up for the**

18 **day. How's that?**

19 **A That's fine.**

20 **Q So the question was what the Commission**

21 **knows about the Joint Commission on Accreditation of**

22 **Health Care Organizations?**

23 **A The Commission is unsure what it knows**

24 **about it.**

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1 **Q Okay. Well, so the answer was, I think --**

2 **A The Commission has heard of it, but we are**

3 **unsure about what it does.**

4 **Q Does the Commission know whether it is**

5 **involved in the accreditation of hospitals?**

6 **A From the name of it, it would seem that**

7 **that's what it does.**

8 **MR. FARRELL: Does the County**

9 **Commission have any direct knowledge?**

10 **THE DEPONENT: No.**

11 **Q Does the Commission know and -- I'll just**

12 **call this organization The Joint Commission for**

13 **short, which I think is its official name now. Does**

14 **the County Commission know whether The Joint**

15 **Commission had any role in the prescribing of**

16 **opioids?**

17 **A No, it doesn't.**

18 **MR. RUBY: Okay.**

19 **THE DEPONENT: Okay.**

20 **MR. RUBY: We'll be back Tuesday.**

21 **THE DEPONENT: Okay. Thank you.**

22 **MR. RUBY: Thank you.**

23 **VIDEOGRAPHER: The time is 5:04. We**

24 **are going off the record.**

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1 (Signature having not been waived, the

2 deposition of BETH THOMPSON was concluded at 5:04 p.m.

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1 STATE OF WEST VIRGINIA,

2 COUNTY OF CABELL, to-wit:

3

4 I, Twyla Donathan, RPR, a duly commissioned

5 Notary Public for the County and State herein, do hereby

6 certify that the foregoing deposition of BETH THOMPSON was

7 duly taken by me and before me at the time and place

8 and for the purpose specified in the caption hereof, the

9 said witness having been by me first duly sworn.

10 That the foregoing is a true, correct, and

11 full transcript of the testimony adduced, as taken by me

12 in shorthand notes and thereafter accurately transcribed;

13 I further certify that I am neither attorney

14 or counsel for, nor related to or employed by, any of the

15 parties to the action in which this deposition is taken;

16 and further, that I am not a relative or employee of any

17 attorney or counsel employed by the parties or financially

18 interested in the action; and that the attached transcript

19 meets the requirements set forth within Article 27,

20 Chapter 47 of the West Virginia Code.

21 IN WITNESS WHEREOF, I have hereunto set

22 my hand this 25th day of July, 2020.

23

24

16 <%10538,Signature%>

17 TWYLA DONATHAN

18 Registered Professional Reporter

19 My commission expires September 11, 2022.

20

21

22

23

24

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

\*\*\*\*\*

THE CITY OF HUNTINGTON,

Plaintiff,

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CORPORATION, et al,  
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CABELL COUNTY COMMISSION,  
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Day 2 of the 30(b)(6) videotaped and videoconference deposition of BETH THOMPSON, taken by the Defendants pursuant to the West Virginia Federal Rules of Civil Procedure, in the above-entitled action, pursuant to notice, before Twyla Donathan, Registered Professional Reporter and Notary Public, at the Mountain Health Arena, One Civic Center Plaza, Huntington, West Virginia, on the 28th day of July, 2020.

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A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

PAUL T. FARRELL, ESQUIRE  
FARRELL LAW  
422 Ninth Street, 3rd Floor  
Huntington, West Virginia 25701  
(304)523-7285  
paul@farrell.law

MICHAEL A. WOELFEL, ESQUIRE  
WOELFEL & WOELFEL, LLP  
801 Eighth Street  
Huntington, West Virginia 25701  
(304)522-6249

APPEARING FOR DEFENDANT AMERISOURCEBERGEN:

ROBBY J. ALIFF, ESQUIRE  
JACKSON KELLY, PLLC  
500 Lee Street East, Suite 1600  
Charleston, West Virginia 25301  
(304)340-1000  
raliff@jacksonkelly.com

APPEARING FOR DEFENDANT CARDINAL HEALTH:

STEVEN R. RUBY, ESQUIRE  
CAREY SCOTT DOUGLAS & KESSLER, PLLC  
901 Chase Tower  
707 Virginia Street, East  
Charleston, West Virginia 25301  
(304) 345-1234

ALSO PRESENT:

Adam Hager, Video Specialist  
Samuel Bloom (by Zoom)  
Suzanne Salgado (by Zoom)

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Exhibit No. 29 Email from Paul Farrell to Stephen Petrany, 2/4/2020, Subject: Re: Resiliency Plan Public Release, Marshall FEDWV 00003229	249
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1 A I don't recall.

2 Q What does the Western Regional Day Center  
3 do?

4 A It is similar to home confinement. It's  
5 another sentencing type thing for -- that individuals  
6 go to, either to report for drug testing -- I think  
7 the Day Report Center also has a shelter for women  
8 now. I think it gets multiple grants.

9 Q Does it provide any programs relating to  
10 drug abuse other than the drug testing program that  
11 you mentioned?

12 A I'm unsure.

13 Q Does it provide any sort of rehabilitation  
14 services?

15 A I believe so. I think it has the recovery  
16 house.

17 Q And does the County have any involvement  
18 with the recovery house program at the Day Report  
19 Center?

20 A Not directly. No.

21 MR. RUBY: I think that's all I have.

22 Rob, do you have anything?

23 MR. ALIFF: I do not.

24 MR. RUBY: Redirect?

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1 Q Have you been intimately involved in every  
2 aspect of this lawsuit?

3 A Yes.

4 Q Have you reviewed, read, and helped prepare  
5 the discovery responses?

6 A Yes.

7 Q Are you aware that the Cabell County  
8 Commission has disclosed over 400,000 documents in  
9 this litigation?

10 A Very aware of that.

11 Q Have you been involved with helping  
12 coordinate with the constitutional officers in the  
13 county to produce those documents?

14 A Yes.

15 Q Did you review all 31 topics of the  
16 30(b)(6) deposition?

17 A Yes.

18 Q Including the italicized subparts of each  
19 topic?

20 A Yes.

21 Q Did you review each very carefully?

22 A Yes.

23 Q Did you make a determination as to which  
24 topics the Cabell County Commission had institutional

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1 MR. FARRELL: Yes.

2 EXAMINATION BY COUNSEL FOR PLAINTIFFS:  
3 BY MR. FARRELL:

4 Q Ms. Thompson, how long have you been  
5 employed with the Cabell County Commission?

6 A Five years.

7 Q And in what capacity?

8 A Most of the time it's county administrator.

9 Q Have you been present since the inception  
10 of this lawsuit?

11 A Yes.

12 Q Have you been present during the executive  
13 sessions with the county commissioners?

14 A Yes.

15 Q Are you aware of whether the County  
16 Commission has formally designated you to serve as  
17 its 30(b)(6) witness?

18 A Yes.

19 Q And what was their decision?

20 A To appoint me.

21 Q Have you also served in the capacity of  
22 verifying the pleadings when required, especially  
23 discovery responses?

24 A Yes.

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1 knowledge and which topics it did not?

2 A Yes.

3 Q And did you just guess, or did you base it  
4 upon some reasonable understanding of the function of  
5 county government?

6 A I based it on a reasonable understanding of  
7 the function of county government.

8 Q Have you disclosed every single document  
9 that you are aware of responsive to discovery  
10 responses?

11 A Yes.

12 Q Has the County Commission responded in good  
13 faith to every single question that was posed in the  
14 30(b)(6) topics?

15 A Yes.

16 Q Is there any possible fact or information  
17 that exists in the history of the county that you  
18 have not disclosed knowingly?

19 MR. ALIFF: Object to form.

20 A No.

21 Q Do you believe you have taken a reasonable  
22 basis to respond to the institutional knowledge of  
23 the Cabell County Commission to the subject matters  
24 identified in the 30(b)(6) Notice?

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<p>1 <b>A Yes.</b></p> <p>2 MR. FARRELL: That's all I have.</p> <p>3 MR. RUBY: Just a little recross.</p> <p>4 EXAMINATION BY COUNSEL FOR CARDINAL HEALTH:</p> <p>5 BY MR. RUBY:</p> <p>6 <b>Q Ms. Thompson, am I correct that the only</b></p> <p>7 <b>things, based on your testimony today, that you did</b></p> <p>8 <b>to prepare for your testimony as a 30(b)(6) witness</b></p> <p>9 <b>was to review part of Commissioner Sobonya's</b></p> <p>10 <b>deposition transcript and to review the County's</b></p> <p>11 <b>written discovery responses?</b></p> <p>12 <b>A Yes. And I've been present throughout all</b></p> <p>13 <b>of the executive sessions.</b></p> <p>14 <b>Q Is there anything else that -- besides the</b></p> <p>15 <b>two things that I mentioned, that you did to prepare</b></p> <p>16 <b>for your deposition testimony in this 30(b)(6)</b></p> <p>17 <b>deposition?</b></p> <p>18 <b>A I can't think of anything else.</b></p> <p>19 <b>MR. RUBY: Okay.</b></p> <p>20 EXAMINATION BY COUNSEL FOR PLAINTIFFS:</p> <p>21 BY MR. FARRELL:</p> <p>22 <b>Q Did you need to review anything else to</b></p> <p>23 <b>prepare for this deposition?</b></p> <p>24 <b>A No.</b></p>	<p>1 (Signature having not been waived, the</p> <p>2 deposition of BETH THOMPSON was concluded at 4:30 p.m.</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
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<p>1 <b>Q Is that because you were involved with</b></p> <p>2 <b>obtaining the same information in the subject matters</b></p> <p>3 <b>that were set forth in the discovery requests?</b></p> <p>4 <b>A Yes.</b></p> <p>5 MR. FARRELL: No further questions.</p> <p>6 EXAMINATION BY COUNSEL FOR CARDINAL HEALTH:</p> <p>7 BY MR. RUBY:</p> <p>8 <b>Q Were there many questions that I asked in</b></p> <p>9 <b>the course of this deposition that you lacked the</b></p> <p>10 <b>information to respond to, Ms. Thompson?</b></p> <p>11 <b>A Pardon me?</b></p> <p>12 <b>Q Were there many questions that I asked in</b></p> <p>13 <b>the course of this deposition that you lacked the</b></p> <p>14 <b>information to respond to?</b></p> <p>15 <b>A Yes.</b></p> <p>16 <b>MR. RUBY: That's all I have.</b></p> <p>17 MR. FARRELL: Thank you.</p> <p>18 VIDEOGRAPHER: Any questions on the</p> <p>19 call?</p> <p>20 (No response.)</p> <p>21 VIDEOGRAPHER: We're off the record at</p> <p>22 4:30 p.m. This concludes today's 30(b)(6) deposition</p> <p>23 of Beth Thompson. The total number of Media Units</p> <p>24 used was four, and will be retained by Veritext.</p>	<p>1 STATE OF WEST VIRGINIA,</p> <p>2 COUNTY OF CABELL, to-wit:</p> <p>3</p> <p>4 I, Twyla Donathan, RPR, a duly commissioned</p> <p>5 Notary Public for the County and State herein, do hereby</p> <p>6 certify that the foregoing deposition of BETH THOMPSON was</p> <p>7 duly taken by me and before me at the time and place</p> <p>8 and for the purpose specified in the caption hereof, the</p> <p>9 said witness having been by me first duly sworn.</p> <p>10 That the foregoing is a true, correct, and</p> <p>11 full transcript of the testimony adduced, as taken by me</p> <p>12 in shorthand notes and thereafter accurately transcribed;</p> <p>13 I further certify that I am neither attorney</p> <p>14 or counsel for, nor related to or employed by, any of the</p> <p>15 parties to the action in which this deposition is taken;</p> <p>16 and further, that I am not a relative or employee of any</p> <p>17 attorney or counsel employed by the parties or financially</p> <p>18 interested in the action; and that the attached transcript</p> <p>19 meets the requirements set forth within Article 27,</p> <p>20 Chapter 47 of the West Virginia Code.</p> <p>21 IN WITNESS WHEREOF, I have hereunto set</p> <p>22 my hand this 30th day of July, 2020.</p> <p>23 &lt;%10538,Signature%&gt;</p> <p>24</p> <p>16 TWYLA DONATHAN</p> <p>17 Registered Professional Reporter</p> <p>18 My commission expires September 11, 2022.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>